

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jason Charles PELLY et al.

U.S. Serial No.: Filed Concurrently Herewith

Title of Invention: APPARATUS FOR DETECTING AND RECOVERING DATA

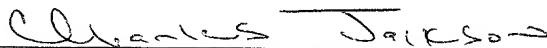
745 Fifth Avenue
New York, NY 10151

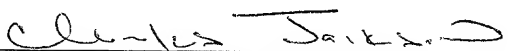
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Date of Deposit: December 6, 2001

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PRELIMINARY AMENDMENT

U.S. Patent and Trademark Office
Box Patent Application
P.O. Box 2327, Arlington, VA 22202

Sir:

Before the issuance of the first Office Action, please amend the above-identified application as follows:

IN THE CLAIMS:

Amend claim 39 to read as follows:

39. (Amended) A computer program having computer executable instructions, which when loaded on to a data processor causes the data processor to perform the method according to claim 36.

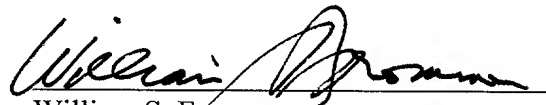
REMARKS

Claims 1-43 remain in the application. Claim 39 has been amended. Attached hereto is a marked up version of the change made to claim 39. The attached page is captioned **“Version with markings to show changes made.”** The filing fee has been calculated based upon this amendment to the claim.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

By:



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VERSION WITH MARKINGS TO SHOW CHANGES MADE**In the claims:**

39. (Amended) A computer program having computer executable instructions, which when loaded on to a data processor causes the data processor to perform the method according to claim

36 ~~26~~.